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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,921	07/25/2003	Jerry Fenc	SMBT 5452 (93225-2)	5407

321 7590 03/29/2005

SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

EXAMINER

NGUYEN, KIET TUAN

ART UNIT PAPER NUMBER

2881

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,921

Applicant(s)

FENC, JERRY

Examiner

Kiet T. Nguyen

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-25 is/are allowed.
- 6) ☒ Claim(s) 1-8, 14-17, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 9-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Objected Informalities

The disclosure is objected to because of the following informalities:

In The Claims

Claim 23, line 5, "screw traces" should be – screw and traces --.

Appropriate correction is required.

Rejection Under 35 U.S.C. 102(b)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamakawa (JP-2000046466 A).

Yamakawa (JP-2000046466 A) discloses, in fig. 1, a bedding drying system. The system includes an ultraviolet 15 for irradiating the ultraviolet light into bedding or used bedding 20, which is removed from a bed for sanitizing the bedding 20 and should be making up the bed with sanitized bedding 20; and a ventilation drier 13 for circulating air about the bedding.

Rejection Under 35 U.S.C. 103(a)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakawa (JP-2000046466 A).

Yamakawa (JP-2000046466 A) discloses all the features as discussed above except at least one of a blanket, a pillow and a bedspread as recited in claims 2 and 26; a duvet as recited in claim 3; a hotel as recited in claim 4; a hospital as recited in claim 5; a reclinable seat on an airplane as recited in claim 6; and a portable sanitizer as recited in claim 26.

Irradiating the narrow spectrum such as the ultraviolet to at least one of a blanket, a pillow, a bedspread and a duvet is considered to be obvious variation in design, since the blanket, pillow, bedspread or duvet is well known in the term bedding, thus would have been obvious to one skilled in the art to irradiate the ultraviolet to the blanket, pillow, bedspread or duvet in the Yamakawa (JP-2000046466 A) bedding drying system for sanitizing bedding.

Sanitizing the bedding in the hotel or hospital, or the reclinable seat on an airplane is also considered to be obvious variation in design, since irradiating the ultraviolet to the bedding in the hotel or hospital, or the reclinable seat on an airplane, and irradiating the ultraviolet to the bedding as disclosed in the Yamakawa (JP-2000046466 A) system have the same results for sanitizing bedding, thus would have been obvious to one skilled in the art to irradiate the ultraviolet to the bedding in the hotel or hospital, or the reclinable seat on an airplane in the Yamakawa (JP-2000046466 A) bedding drying system for sanitizing bedding

Using the portable sanitizer for sanitizing the bedding in each of multi-floor facility is also considered to be obvious variation in design, since the portable sanitizer for sanitizing the bedding is well known in the art as disclosed in Fujioka et al. (JP-02005999 A) or Ettlinger et al. (6,811,748), thus would have been obvious to one skilled in the art to use the portable sanitizer for sanitizing the bedding in each of multi-floor facility in the Yamakawa (JP-2000046466 A) bedding drying system for sanitizing bedding.

Claims 18-25 are allowed.

Claims 9-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for indicating allowable subject matter

The prior art fails to disclose a method and/or sanitizer for bedding, which includes means for repetitively compressing and relaxing compressible bedding while exposing the compressible bedding to ultraviolet radiation as recited in claim 9; means for moving an ultraviolet light along opposite sides of a blanket or bedspread at a stand-off from the blanket or bedspread as recited in claim 12; or a bedding support mounted for reciprocation within chamber between a first terminal position proximate a base of the chamber and a second terminal position part way between the base of the chamber and a top of the chamber as recited in claim 18.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Fujioka et al. (JP-02005999 A) discloses a portable bedding dryer having a lamp for producing the ultraviolet;

2) Kagaya (JP-2004097467 A) discloses an ultraviolet radiation portable bedding dryer having a lamp for producing the ultraviolet and a propeller for circulating air;

3) Ettlinger et al. (6,811,748) disclose a system using the ultraviolet light for sterilizing objects in a hospital.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet T. Nguyen whose telephone number is 571-272-2479. The examiner can normally be reached on Monday-Friday 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 571-272-2477. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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KIET T. NGUYEN
PRIMARY EXAMINER